IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH NAGPUR
Criminal Application No.1218/2006

1)Ashok Namdeorao Thakare,
Aged about 44 years,
Occupation Agriculturist,
R/o Chandai, Tq. Mangrul Pir,
Distt. Washim.

2) Satish Ashokrao Thakare,
Aged about 20 years,
Occupation – Nil.
R/o. Chandai, Tq. Mangrul Pir,
Distt. Washim **APPLICANTS**

VERSUS

1) State of Maharashtra,
Through P.S.O. of P.S.
Mangrul Pir, Tq. Mangrul Pir,
Distt. Washim.

2) Sau. Padma Rameshrao Dodalkar,
Aged about 40 years,
Occupation – Agriculturist,
R/o Chandai, Tq. Mangrul Pir,
Distt. Washim. **RESPONDENT**S

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Mr. P.S. Patil, Advocate for the Applicants.
Mrs. Joshi, A.P.P. for Respondent no.1.
Mr. R.D. Najbhile, Adv. for respondent no.2 absent.

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CORAM: A.P. LAVANDE, J.
DATED : 25.6.2007.

ORAL JUDGEMENT :

1. Heard Mr. Patil, learned counsel for the applicants and Mrs. Joshi, learned A.P.P. for respondent no.1. Neither the respondent No.2 nor Advocate Gajbile appearing on her behalf is present.

2. By the present application the applicants are challenging registration of Crime No. 61/2006 for the offence punishable under Section 3 (1)(xi) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act (hereinafter referred to as "the Act"). The applicants do not challenge F.I.R. insofar as offences under Sections 147, 148, 149, 324 and 452 of the Indian Penal Code is concerned. The report against applicants and 6 others was filed by respondent no.2 at Police Station Mangrul Pir. One of the accused namely Balu Bhaorao Thakare challenged registration of F.I.R. under Section 3(1)(xi) of the Act on the ground that the caste of the accused was not mentioned in the F.I.R. Learned Single Judge (B.R. Gawai, J.) of this Court by judgment and order dated 4th May 2006, placing

reliance upon the judgments of this Court in Manohar Kulkarni and anr. Vs. State of Maharashtra & Ors. (2005 ALL MR (Cri.)2602) and Anant Vasantlal Sambre Vs. State of Maharashtra (Criminal Writ Petition No.49/2001 decided on 20th April 2001) quashed F.I.R. insofar as offence punishable under Section 3(1)(xi) of the Act. The ratio laid down by learned Single Judge and in two judgments relied upon by the learned Single Judge are squarely applicable in the present case. Moreover, F.I.R. has been quashed by this Court as against one of the co-accused. It is not in dispute that the caste of the present applicant has not been mentioned in the F.I.R. Therefore, F.I.R. could not have been registered against the applicant under the provisions of the Act and, therefore, the present application deserves to be allowed insofar as quashing of F.I.R. of offence punishable under the Act is concerned.

3. Rule is made absolute in the aforesaid terms with no order as to costs.

JUDGE